

REMARKS

Reconsideration of the present application is respectfully requested.

Applicants note that the Examiner still has not confirmed that the Statement Pursuant to 37 C.F.R. 1.53(d)(4) included in the Preliminary Amendment of March 7, 2002 has been accepted and that the three inventors Applicants requested to be deleted have in fact been deleted. The Examiner has only stated on page 2 of the Final Rejection that the inventors in question have not been removed. Applicants request that the Examiner delete HIROSHI MUTO, SHINJI YOSHIHARA AND SUMITOMO INOMATA as inventors in the present application and confirm their deletion in response to this request.

To ensure that the above inventors are in fact deleted prior to allowance of this application, and out of an abundance of caution, Applicants have re-submitted the STATEMENT PURSUANT TO 37 C.F.R. 1.53(d)(4) REQUESTING DELETION OF PERSONS WHO ARE NOT INVENTORS that was filed in the March 7, 2002 Preliminary Amendment. **Applicants' undersigned attorney consulted the Examiner's supervisor, Examiner Flynn, by telephone on April 13, 2004, and he confirmed that this Statement is sufficient to effect deletion of the above inventors.**

Assuming *arguendo* that the Examiner continues to deny Applicants' above Request, Applicants request that the Examiner provide support as to why she continues to deny this Request.

Claim 21 has been rejected under 35 U.S.C. §102(e) as being anticipated by Hashimoto '565. This rejection is moot in view of the following.

Applicants submit herewith an accurate translation (as evidenced by the attached Rule 52(d) Translation Statement) of the Japanese application no. 11-76566 (the priority document) from which the present application claims priority. As the Examiner has also received a certified copy of the priority document (as confirmed on the Office Action Summary form PTO-326), Applicant has perfected its priority claim under 35 USC §119. The priority date of the present application is March 19, 1999, which is identical to the U.S. filing date of Hashimoto '565. Therefore, Hashimoto '565 cannot be used as a reference, and Applicant respectfully requests that the Examiner's §102(e) rejection be withdrawn.

Applicants note with appreciation the allowance of claims 31 and 33-38.

Applicants also note the indication by the Examiner that claims 22-30 contain allowable subject matter and that these claims would be allowable if rewritten in independent form. However, as these claims depend either directly or indirectly from claim 21, which is allowable for the above noted reasons, claims 22-30 in their present form are therefore allowable for the same reasons as claim 21.

Further, Applicants assert that pending claim 39, which depends from claim 31, and pending claim 40, which depends from claim 21, are also allowable at least based on their respective dependencies on allowable claims 21 and 31. Even though the Examiner did not specifically address the status of these claims in her remarks, these claims were indicated as being allowed on the PTOL-326 cover sheet.

In view of the above amendments and remarks, the present application is now believed to be in condition for allowance. A prompt notice to that effect is respectfully requested.

A petition for a one-month extension of time, along with the requisite petition fee, is being submitted concurrently with this amendment. No additional fees are believed to be due. However, permission is hereby given to charge any unforeseen fees to Deposit Account 50-1147.

Respectfully submitted,



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